

# Congress of the United States

## House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

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<http://oversight.house.gov>

September 18, 2019

The Honorable Dr. Mark T. Esper  
Secretary of Defense  
U.S. Department of Defense  
1400 Defense Pentagon  
Washington, D.C. 20301

Dear Mr. Secretary:

On June 21, 2019, the Committee sent a letter to the Department of Defense requesting documents relating to U.S. taxpayer funds being spent at President Trump's Turnberry golf resort in Scotland and Glasgow Prestwick Airport. The Committee requested invoices, travel records, and other documents relating to military spending at Trump Turnberry and Prestwick Airport, as well as communications about these expenditures between the Department and outside entities, including the Trump Organization and the White House. The Committee requested these documents by July 8, 2019.<sup>1</sup>

The Department did not provide any information for months. As a result, the Committee renewed its request on September 10, 2019. The Committee explained:

In order to ensure compliance with the Emoluments Clause of the Constitution, the Department of Defense should not allow any of its officials to stay at Trump properties using taxpayer funds. It does not matter if they pay the government rate or a discounted rate. The Constitution prohibits taxpayer dollars from going to President Trump unless they are for his salary, including when those taxpayer funds are funneled through his businesses.<sup>2</sup>

The Committee also wrote:

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<sup>1</sup> Letter from Chairman Elijah E. Cummings, Committee on Oversight and Reform, and Chairman Jamie Raskin, Subcommittee on Civil Rights and Civil Liberties, to Acting Secretary Patrick Shanahan, Department of Defense (June 21, 2019) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/Oversight%20Committee%20to%20DOD%2006-21-19%20Turnberry.pdf>).

<sup>2</sup> Letter from Chairman Elijah E. Cummings, Committee on Oversight and Reform, and Chairman Jamie Raskin, Subcommittee on Civil Rights and Civil Liberties, to Secretary Mark Esper, Department of Defense (Sept. 10, 2019) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2019-09-10%20EEC%20JR%20to%20Esper-Pentagon%20re%20Turnberry.pdf>).

Although the Department seems to have been driven to respond to recent press reports, the Committee does not understand why the Department has delayed responding to this request for so long without any legitimate explanation. If the Department does not begin producing the requested documents this week, the Committee will be forced to consider alternative measures to compel compliance, including a subpoena.<sup>3</sup>

On September 12, 2019, the Department finally began providing information in response to the Committee's request.<sup>4</sup> Unfortunately, the Department's response has been woefully inadequate. To date, the Department has produced only 21 pages of material—half of which appear to be publicly available on government websites.<sup>5</sup> The Department failed to produce any underlying invoices or travel records relating to spending at Trump Turnberry or Prestwick Airport. It is unclear why the Department has taken so long to produce such rudimentary and deficient information.

The Department also refused to provide communications with outside entities about Trump Turnberry or Prestwick Airport, instead referring the Committee's requests for these documents to the White House despite the President's claim that he had "nothing to do" with these matters.<sup>6</sup>

### **U.S. Taxpayer Funds Spent at President's Resort**

Although the Department's response is belated and deficient, it still reveals that far more taxpayer funds have been spent at the President's resort than previously known. Although initial press accounts reported only a single instance of a military crew staying at Trump Turnberry this spring,<sup>7</sup> the data provided by the Department now indicates that U.S. taxpayer funds have been used to pay for more than three dozen separate stays involving hundreds of nights of rooms—all after the President was sworn into office.

In its letter to the Committee, the Department did not provide the total number of rooms that were booked. However, the Department did provide its calculation of the "average" cost of a room for military servicemembers, as well as the military's total expenditures during the same period.

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<sup>3</sup> *Id.*

<sup>4</sup> Letter from Assistant Secretary James N. Stewart, Manpower and Reserve Affairs, Department of Defense, to Chairman Elijah E. Cummings, Committee on Oversight and Reform (Sept. 12, 2019) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/DOD.091319.Response%20to%20EEC%20JR%20re%20Turnberry.pdf>) (and providing additional materials the following day).

<sup>5</sup> See Federal Procurement Data System, *ezSearch* (online at [www.fpds.gov/ezsearch/fpdsportal?q=prestwick+airport&s=FPDS.GOV&templateName=1.5.1&indexName=awardFull&x=0&y=0&sortBy=SIGNED\\_DATE&desc=N](http://www.fpds.gov/ezsearch/fpdsportal?q=prestwick+airport&s=FPDS.GOV&templateName=1.5.1&indexName=awardFull&x=0&y=0&sortBy=SIGNED_DATE&desc=N)) (search for "Prestwick Airport") (accessed Sept. 9, 2019).

<sup>6</sup> See Donald J. Trump, Twitter (Sept. 9, 2019, 9:43 a.m.) (online at <https://twitter.com/realDonaldTrump/status/1171056605233852416>).

<sup>7</sup> See, e.g., *Air Force Crew Made an Odd Stop on a Routine Trip: Trump's Scottish Resort*, Politico (Sept. 7, 2019) (online at [www.politico.com/story/2019/09/06/air-force-trump-scottish-retreat-1484337](http://www.politico.com/story/2019/09/06/air-force-trump-scottish-retreat-1484337)).

The Department asserted that the average cost of a room for military servicemembers at Trump Turnberry between August 2017 and July 2019 was \$189. The Department also asserted that, during this same time period, expenditures “specifically associated with the Trump Turnberry ... amounted to \$124,578.96.”

If both of these claims are accurate, it appears that U.S. taxpayer funds were used to purchase the equivalent of more than 650 rooms at the Trump Turnberry just since August 2017—or the equivalent of one room every night for more than one-and-a-half years. This estimate does not include “an additional \$59,729.12” in unspecified charges to government travel cards, which would boost total military spending at Trump Turnberry to more than \$184,000.

In its letter, the Department claimed that the “average” cost of a room was “well within the overseas Per Diem and Meals and Incidental Expenses average.” However, by describing only average rates—and not actual rates—the Department did not rule out that it may have paid much higher rates for some rooms that exceeded these thresholds.

The materials provided by the Department reflect numerous charges at rates that are higher than the “average” rates cited in its letter, but the Department has not explained the basis for these higher amounts. For example, on November 11, 2018, the Department paid \$668.32, \$639.10, and \$611.63. The documents also indicate that on June 25, 2018, there were 17 separate charges for \$450.52. Similarly, on September 16, 2018, there appear to have been 45 separate charges for \$309.89 or similar amounts.

It is unclear whether these charges correspond to multi-night stays or nightly rates. According to recent reporting, “rather than being restricted to single-night refueling stops, some visits last multiple nights” due to “inclement weather that prevents the crews from taking off from the airport 40 minutes up the road.”<sup>8</sup>

In addition, the Department reported that fuel “expenditures at the airport from January 20, 2017 through June 21, 2019 amounted to \$16,617,664.72.” The Department asserted that it paid \$3.38 per gallon for fuel, which it claimed was “advantageous” when “compared to the going commercial rate.” However, the Department did not provide any information on the contemporaneous fuel rates at non-commercial sites, such as military bases elsewhere in Europe.

Finally, it is particularly troubling that the Department is refusing to produce any emails or other communications relating to Trump Turnberry or Prestwick Airport. Instead, the Department stated that it referred the Committee’s request for these documents to the White House. The Department’s letter stated:

We have referred your request for communications to the White House as it relates to Glasgow Prestwick Airport, Trump Turnberry, or Trump International Golf Links.<sup>9</sup>

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<sup>8</sup> *Air Force Crews Stayed at Trump’s Turnberry Resort for Days at a Time*, Politico (Sept. 17, 2019) (online at [www.politico.com/story/2019/09/17/trump-scotland-turnberry-1499298](http://www.politico.com/story/2019/09/17/trump-scotland-turnberry-1499298)).

<sup>9</sup> Letter from Assistant Secretary James N. Stewart, Manpower and Reserve Affairs, Department of Defense, to Chairman Elijah E. Cummings, Committee on Oversight and Reform (Sept. 12, 2019) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/DOD.091319.Response%20to%20>

### Conclusion and Demand for Documents

Without the requested invoices and other documents, the Committee cannot assess the full extent of payments in violation of the Emoluments Clause. In addition, the Committee cannot answer basic questions, such as how many military personnel were involved and who authorized their stays.

With respect to emails and other communications, the President claims that he has had nothing to do with these matters, so it is unclear why the Department is coordinating its response with the White House, why the Department is not producing these documents to Congress, and on what basis the Department is still withholding this information from the American people.

Congress has a responsibility to conduct a full accounting of these expenditures, and the Department must comply with the Committee's request by expeditiously producing all documents relating to U.S. taxpayer funds spent at Trump Turnberry and Prestwick Airport.

For these reasons, the Committee insists on full compliance with its June 21 request, including the production of all invoices, contracts, agreements, and internal and external communications. As a further accommodation to the Department, the Committee will extend its deadline for these materials to September 27, 2019. However, failure to produce the requested documents by that date may result in compulsory process and other steps.

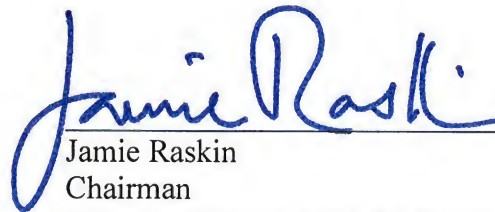
The Committee on Oversight and Reform is the principal oversight committee of the House of Representatives and has broad authority to investigate "any matter" at "any time" under House Rule X. In addition, House Rule X, clause 3(i) specifically charges the Committee with conducting oversight of "the operation of Government activities at all levels, including the Executive Office of the President."

If you have any questions regarding this request, please contact Committee staff at (202) 225-5051.

Sincerely,



Elijah E. Cummings  
Chairman



Jamie Raskin  
Chairman  
Subcommittee on Civil Rights and  
Civil Liberties

The Honorable Dr. Mark T. Esper  
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cc: The Honorable Jim Jordan, Ranking Member

The Honorable Chip Roy, Ranking Member  
Subcommittee on Civil Rights and Civil Liberties